

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

Case No: 16-MD-2724
MDL No. 2724

THIS DOCUMENT RELATES TO:

Individual Case No. 18-CV-284

*The Kroger Co., et al v. Actavis Holdco U.S.,
Inc., et al*

HON. CYNTHIA M. RUFE

**KROGER DIRECT ACTION PLAINTIFFS’
MOTION FOR LEAVE TO FILE RESPONSE TO
DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY**

The Kroger DAPs respectfully request leave of Court to file the proposed response to Defendants’ notice of supplemental authority, ECF No. 219 (appending *In re Nat’l Prescription Opiate Litig.*, --- F.3d ---, 2020 WL 1875174 (6th Cir. Apr. 15, 2020)). For the reasons explained in the proposed response – attached as Exhibit 1 – *Opiate* is plainly distinguishable from the facts here and thus not supportive of Defendants’ Opposition to the Kroger DAPs’ Motion to Amend. If anything, the decision supports the Kroger’s DAPs’ Motion, which is fully briefed.

Dated: April 27, 2020

Respectfully submitted,

By: /s/ William J. Blechman

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